

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JULIO GONZALEZ, JR.,

Defendant.

**CR-09-112-GF-BMM-JTJ**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on July 31, 2019. (Doc. 91). Gonzalez stated that he wished to waive his right to object to Judge Johnston's Findings and Recommendations. *Id.* at 4. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 31, 2019. The United States alleged that Gonzalez had violated the conditions of his supervised release by failing to report to the United States Probation Office within 72 hours of his release from prison. (Doc. 91 at 2). The government proved that Gonzalez had

violated the conditions of his supervised release. *Id.* This violation proves serious and warrants revocation of Gonzalez's supervised release.

Judge Johnston has recommended that the Court revoke Gonzalez's supervised release and commit Gonzalez to the custody of the Bureau of Prisons for four (4) months with fifty (50) months of supervised release to follow. *Id.* at 4.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Gonzalez's violations represent a serious breach of the Court's trust. A custody term of four (4) months with fifty (50) months of supervised release to follow proves sufficient but not greater than necessary.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 91) are **ADOPTED IN FULL**.

**IT IS FURTHER ORDERED** that Defendant Julio Gonzalez, Jr. receive a custody sentence for four (4) months with fifty (50) months of supervised release to follow. The supervised release conditions imposed previously should be continued.

DATED this 1st day of August, 2019.



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Brian Morris  
United States District Court Judge